

REMARKS

Claims 1-16 are pending in the present application, of which claim 13 has been amended.

The Examiner has required an election in the present application among:

Species Group A:

- Species A1: Represented by FIG. 3;
- Species A2: Represented by FIG. 4;
- Species A3: Represented by FIG. 5;
- Species A4: Represented by FIG. 6;
- Species A5: Represented by FIG. 7; and
- Species A6: Represented by FIG. 9.

Species Group B:

- Species B1: Represented by FIG. 8; and
- Species B2: Represented by FIG. 11.

The Examiner states that the Applicants must elect a single disclosed species from each Species Group.

As required by the Examiner, for the purpose of examination of the present application, Applicants elect, with traverse, Species B1 and A1, and claims 1-8 and 10, as illustrated in FIG. 8.

Discussion Of Pending Claims

The Applicants respectfully point out that the apparatus or system claims (1 to 7) and the method claims (8 to 16) all recite the use of: a transaction processing client; a transaction processing server; and a telecommunications client, as illustrated in Figure 8 (which the Examiner designates as Species B1), and the telecommunications network (which is illustrated in each of FIGS. 3-7, 9-11 and implied in FIG. 8).

Accordingly, each of independent claims 1 and 8 is believed to be generic.

Method claim 8 and 10 claims are clearly directed to a method of operating the apparatus of claims 1 to 7 and recite the same transaction processing client, the same transaction processing server and the same telecommunications client, in each case as illustrated in Figure 8.

The method of claim 9 uses various encryption techniques, the specific implementation being illustrated in Figure 11. Method claims 13 to 16 are also directed to the species of the invention represented by Figure 11.

The method of claims 13 to 16 relies on the use of a specific type of transaction processing client which differs from the more generic transaction processing client of claim 9 (and illustrated in Figure 8) in that it is claimed to be a “communications enabled transaction terminal”.

As the Examiner will note, method claim 13 has been amended to depend upon claim 9. As can be seen, claims 13 to 16 refer to the use of a specific type of telecommunications

client which differs from the more generic telecommunications client of claim 9 (and illustrated in Figure 8) in that it is claimed to be a “mobile communication device”.

In addition, dependent claims 11 and 12, which are directed to the embodiment of the invention illustrated in Figure 9.

Using the drawings as a guide, the Applicants submit that FIGS. 3 to 7 are specific implementations (alternative embodiments) of the general apparatus and method illustrated in Figure 8. Seen in this light, the Applicants submit that Species A1 to A5 (according to the Examiner’s analysis) are merely variants of the Examiner’s Species B1 (represented by Figure 8). Based on similar reasoning, the Applicants submit that Species B2 is a clear variant of Species B1.

Again, the Applicants submit that each of independent claims 1 and 8 is believed to be generic. Therefore, once the Examiner determines that independent claims 1 and 8 to be allowable, then all of the claims depending from claims 1 and 8 should be rejoined and considered allowable as well.

Finally, as noted above, in order to comply with the Examiner’s Election of Species Requirement, the Applicants elect, with traverse, Species B1 and A1, and claims 1-8 and 10, as illustrated in FIG. 8.

Application No.: 10/562,672
Reply dated October 8, 2008
Reply to Election of Species Requirement of August 8, 2008

Docket No.: 5288-0101PUS1
Art Unit: 3621
Page 17 of 18

Traversal

It is respectfully submitted that the election of species requirement is improper in view of the fact that a reasonable number of species is set forth in the present application.

The Examiner is respectfully requested to reconsider his election of species requirement and act on all of the claims in the present application. If the Examiner does persist in his election of species requirement, the Applicants reserve the right to file one or more divisional applications directed to the non-elected claims at a later date if they so desire.

Application No.: 10/562,672
Reply dated October 8, 2008
Reply to Election of Species Requirement of August 8, 2008

Docket No.: 5288-0101PUS1
Art Unit: 3621
Page 18 of 18

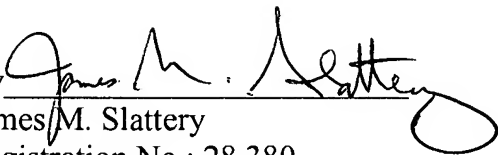
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Carl T. Thomsen (Reg. No. 50,786) at 703-208-4030 (direct line), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: October 8, 2008

Respectfully submitted,

By 
James M. Slattery
Registration No.: 28,380
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

JMS/CTT/ktp